

# WETLANDS COUNCIL

## MINUTES

**February 14, 2006**

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The Wetlands Council met on Tuesday, February 14, 2006 at the Department of Environmental Services, 29 Hazen Dr., Concord, NH

**Attendees:** Brian K. Fowler, Chairman, Lawrence E. Morse, Thomas G. Chrisenton, John S. Cobb, Camilla Lockwood, Paul W. Goodwin, Jack Ruderman, Russ St. Pierre and Thomas Sloan

**Absentees:** William M. Dannehy, Sharon Champagne, William Ingham, Jr., and Seth Prescott.

The meeting was called to order by Chairman Brian K. Fowler at 9:00 a.m.

**1. Approval of Minutes of January 10, 2006 Meeting**

A correction was noted on the draft minutes that Paul Goodwin has replaced Glenn Normandeau.

***A motion was made by Councilor Morse and seconded by Councilor Goodwin to approve the minutes of January 10, 2006 with the correction noted. It was unanimously voted.***

**2. Status of Appeals**

Michael Sclafani, Appeals Clerk, distributed an Appeals Status Report and reviewed the report with council members.

- Docket No. 02-16 WtC - Donald S. Thompson: WB #2002-01019  
A stay remains in effect.
- Docket No. 04-21 WtC - Lakeshore Realty Trust: WB #2001-01294  
A stay remains in effect.
- Docket No. 05-04 WtC - Philip and Georgette Smith: WB #2000-00914  
On February 6, 2006 a prehearing conference was held. At the prehearing, appellants' Motion for Discovery was denied and a rehearing of this appeal was scheduled for May 9, 2006.
- Docket No. 05-08 WtC - Renate Ranniger: WB #2004-01185  
On February 2, 2006 a Decision & Order granting this appeal was issued.
- Docket No. 05-12 WtC - Town of Barrington: WB #2004-02817  
On February 3, 2006, appellant filed a Prehearing Memorandum and on February 6, 2006, the applicant filed a Prehearing Memorandum. The appeal is scheduled to be heard today at 10:00 a.m.

- Docket No. 05-13 WtC - Frederick Gallant: WB #2004-02467  
On January 18, 2006, the Decision & Order denying this appeal was issued. On February 7, 2006, appellant filed an Application for Reconsideration. DES filed an Objection to the Application for Reconsideration on February 10, 2006. Both the Application for Reconsideration and the Objection were distributed at today's meeting.  
  
***Councilor Chrisenton made a motion to table the Application for Reconsideration until the next council meeting in order for the councilors to have an opportunity to review the documents. Councilor Morse seconded the motion and it was unanimously voted.***
- Docket No. 05-14 WtC - Ralph and Virginia Sanborn: WB #2004-01764  
On February 6, 2006 a prehearing conference was held. At the conference the parties requested that the appeal be stayed until February 24<sup>th</sup> at which time the appeal will be either withdrawn or the hearing will go forward as scheduled on March 14, 2006.
- Docket No. 05-18 WtC - Save Our Groundwater: WB #2004-02817  
On January 9, 2006 appellant filed a Motion for Reconsideration. On January 19, 2006, applicant filed an Objection to appellant's Motion for Reconsideration. On January 25, 2006, a written Decision & Order denying the appellant's Motion for Reconsideration was issued. This appeal is closed.
- Docket No. 05-19 WtC - Richard Landry: WB #2005-00554  
On February 6, 2006 a prehearing conference was held. The appeal is stayed for 30 days, at which time a second prehearing conference will be scheduled if the parties have not settled.
- Docket No. 05-23 WtC - Joseph Develis, Jr.: WB #2004-02959  
On January 10, 2006, the council voted to accept this appeal. On January 12, 2006, Attorney K. Allen Brooks filed an appearance on behalf of DES. On February 1, 2006, a Certified Record was filed with the council.
- Docket No. 05-24 WtC - Marconi: WB #2004-02046  
On January 10, 2006 this appeal was summarily dismissed as not timely filed and a written Decision & Order to Dismiss was issued on January 18, 2006. On January 30, 2006, the appellants filed a Motion to Reconsider Decision & Order on Petition for Appeal. It was noted that due to a recent change in the statute and subsequent change in council rules, a petition for appeal shall be considered filed on the date it is postmarked.  
  
***A motion was made by Councilor Lockwood to grant appellant's Motion to Reconsider Decision & Order on Petition for Appeal. Councilor Cobb seconded the motion and it was unanimously voted.***
- Docket No. 06-01 WtC - Sumac Corp: WB #2005-00558  
On January 27, 2006 a Petition to Appeal was filed. This is an appeal of a December 30, 2005 denial of appellant's request for reconsideration of the

granting of a permit to Newfound Lake Marina, Inc. related to upgrading docking facilities at Cockermouth River in Hebron. This appeal will be considered at the next council meeting.

- Docket No. NAH 05-01 - Steven J. Smith & Associates

Chairman Fowler reported that the prehearing conference with the Laconia Municipal Airport Authority was reconvened two weeks ago. A meeting will be held on February 16 with the Wetlands Bureau, Corps of Engineers, FAA, DOT, and other agencies to discuss the proposed project.

3. Wetlands Bureau Update

No report was made.

4. Old Business

No old business was brought before the council.

5. Other Business

Councilor Morse, Chairman of the Operating Committee of the Wetlands Council, distributed a copy of a document. The following changes were suggested: (1) the date of formation be February 14, 2006, and (2) the paragraph regarding composition of the Operating Committee be revised as follows:

“The Operating Committee shall be chaired by the Vice Chair of the Council, shall have **at least** two members that represent State Agencies on the Council and **at least** two members that represent public interest groups on the Council.”

***A motion was made by Councilor Goodwin to form a subcommittee of the Wetlands Council to be known as the “Operating Committee” and to adopt the Operating Committee Formation document with revisions noted above. The first meeting will be posted and held immediately following the next council meeting. The motion was seconded by Councilor Lockwood and unanimously voted.***

6. Next Meeting

The next meeting will be held on March 14, 2006.

7. Adjournment

***A motion was made by Councilor Lockwood, seconded by Councilor Sloan and unanimously voted to adjourn.***

The meeting adjourned at approximately 9:45 a.m.